SINGLE BENCH

c.f. 100/-

माननीय उच्च न्यायालय छत्तीसगढ़, बिलासपुर(छ.ग.)

W.P. No. 4959 / 2005

इन्द्रजीत मरकाम वल्द मेरेराम मरकाम
उम्र लगभग 46 वर्ष निवासी ग्राम फरसगांव
पो. फरसगांव तह. कोंडागांव
जिला बस्तर (छ.ग.) .. .. याचिकाकर्ता

P.R. No. 5149/05 Temporary Asstt. Present by ... on 4/10/05

"विरूद्ध"

1. छ.ग.शासन द्वारा
   सचिव आदिम जाति तथा अनुसूचित जाति
   विकास विभाग रायपुर (छ.ग.)
2. आयुक्त, आदिम जाति तथा अनुसूचित जाति
   विभाग रायपुर (छ.ग.)
3. सहायक आयुक्त
   आदिवासी विकास जगदलपुर
   (छ.ग.)
4. कलेक्टर
   कार्यालय कलेक्टर
   आदिवासी विकास शाखा
   जिला बस्तर जगदलपुर .. .. उत्तरवादीगण

प्रादेश/रीट याचिका अंतर्गत अनुच्छेद 226 सहपठीत अनुच्छेद 227 भारतीय, संविधान।

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4959 of 2005

Petitioner — Indrajeet Markam

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Mr. Abdul Wahab Khan, Advocate for the petitioner.
Mrs. Anju Ahuja, Dy. Govt. Advocate for the respondents/State.

ORDER
(Passed on this 1st day of March, 2007)

1. The petitioner, while working as Upper Division Teacher in Higher Secondary School, Farasgaon Block Farasgaon, was transferred to Higher Secondary School, Darbha, Block Darbha, on the same terms and conditions vide impugned transfer order dated 16.9.2005 (P/1).
2. This Court, vide interim order dated 7.10.2005, has stayed the effect and operation of the impugned order dated 16.9.2005 till the next date of hearing. By virtue of the interim order, the petitioner has continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.
6. Consequently, M. (W.)P. No. 4002/2005, application for grant of interim relief, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Bablu